

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**IN RE: BROILER CHICKEN GROWER
ANTITRUST LITIGATION (NO. II)**

MDL No. 6:20-2977-RJS-CMR

Hon. Chief Judge Robert J. Shelby

Hon. Cecilia M. Romero

JOINT STATUS REPORT

Plaintiffs,¹ Defendant Pilgrim’s Pride Corporation (“Pilgrim’s”), and Settling Defendants² (collectively, the “Parties”) have met and conferred and submit this joint status report summarizing the current state of this litigation.

I. STATUS OF SETTLEMENTS AND SETTLEMENT ADMINISTRATION

The claims process for the Perdue and Tyson settlements is closed and the validations of submitted claim forms are complete. The Court granted Plaintiffs’ Motion for Distribution of the Perdue and Tyson Settlement funds on November 16, 2022. Checks have been issued consistent with the Court’s Order granting the distribution motion. At present, 18,041 of the 23,124 issued checks have been cashed, with 5,083 checks thus far outstanding. The claims administrator is currently processing reissue requests for class members as appropriate. Plaintiffs will bring a motion for a second distribution of any unclaimed funds to those class members that actively participated in the settlement by cashing their checks.

The claims process for the Koch settlement closed on February 6, 2023. A total of 877 claims have been submitted and the claims administrator is working to review and validate these

¹ “Plaintiffs” includes Haff Poultry, Inc., Nancy Butler, Johnny Upchurch, Jonathan Walters, Myles Weaver, Marc McEntire, Karen McEntire, and Mitchell Mason, on behalf of themselves and all others similarly situated.

² “Settling Defendants” refers to Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Breeders, Inc., and Tyson Poultry, Inc. (collectively, “Tyson”); Perdue Foods, LLC (“Perdue”); Koch Foods, Inc. and Koch Meat Co., Inc. (doing business as Koch Poultry Co.) (“Koch”), Sanderson Farms, LLC (f/k/a Sanderson Farms, Inc.), Sanderson Farms Foods, LLC (f/k/a Sanderson Farms, Inc. (Foods Division)), Sanderson Farms Processing, LLC (f/k/a Sanderson Farms, Inc. (Processing Division)), and Sanderson Farms Production, LLC (f/k/a Sanderson Farms, Inc. (Production Division)) (collectively, “Sanderson”).

submissions. Plaintiffs will move the Court to distribute the relevant settlement funds at the conclusion of this process.

Per the Notice Plaintiffs filed with the Court, ECF No. 426, Plaintiffs have reached an agreement with Sanderson to settle all claims against Sanderson on behalf of themselves and a proposed Settlement Class. Plaintiffs and Sanderson are working to finalize the long form settlement agreement. The proposed settlement is subject to the Court's approval pursuant to Federal Rule of Civil Procedure 23. Plaintiffs expect to file a motion for preliminary approval along with a motion for Court-approved notice and claims administration associated with both settlements shortly.

II. OUTSTANDING AND ANTICIPATED MOTIONS (Joint Statement)

There are no outstanding motions or other anticipated motions at this time (other than the scheduled motions for class certification, *Daubert*, summary judgment, etc.). Plaintiffs and Pilgrim's have conferred and agreed to a modification of the default page limits for class certification and *Daubert* briefing set by L. Civ. R. 7(c) and (e), in which opening and response briefs are limited to twenty-five pages, and reply briefs are limited to ten pages. With leave of the Court, the parties will impose the following page limits: for the class certification motion briefing, the opening brief will be limited to twenty-five pages, the response brief limited to thirty-five pages, and the reply brief limited to twenty pages; for any *Daubert* briefing, the opening and response briefs will be limited to thirty pages, and the reply brief limited to fifteen pages. The Parties respectfully request that the Court approve the agreed page limits.

III. Current Discovery Disputes

There are no current or anticipated discovery disputes at this time.

Dated: February 24, 2023

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